IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NOS. 1478 AND 1511 OF 2004

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WRIT APPEAL NO : 1478 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/08/2004 in WP NO : 10528 OF 2004 on the file of the High Court.)

Between:

1. Associate Dean, College of VeterInary Science, Tirupathi.

2 Dean, Faculty of Veterinary Science, Acharya N.G. Ranga Agricultural University, Hyderabad.

..... APPELLANTS

AND

B. Subashchandra Bose, S/o. B. Siddaiah,
Hindu, R/o. Tirupathi, Chitoor District

(Hall Ticket No.TV/1998-075).

.....RESPONDENT

For the Appellants: MR.B.SIVA REDDY, Standing Counsel.

For the Respondent: MR.E.V.BHAGIRATHA RAO, Advocate.

WRIT APPEAL NO : 1511 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/08/2004 in WP NO : 13382 OF 2004 on the file of the High Court.)

Between:

1. The Registrar, A.N.G.R.Agricultural University,

Rajendranagar, Hyderabad.

2 Dean, Faculty of Veterinary Science, Acharya N.G.Ranga

Agricultural University, Hyderabad.

..... APPELLANTS

AND

B. Subashchandra Bose, s/o B.Siddaiah,
r/o Tirupathi, Chittoor District

(Hall Ticket No.TV/1998-075).

.....RESPONDENT

For the Appellants: MR.B.SIVA REDDY, Standing Counsel.

For the Respondent: MR.E.V.BHAGIRATHA RAO, Advocate.

The Court made the following Common Judgment: (per Sri B. Sudershan Reddy, J)

The Associate Dean, College of Veterinary Science, Tirupathi; the Registrar, Acharya N.G.R. Agricultural University and the Dean, Faculty of Veterinary Science, Acharya N.G Ranga Agricultural University, Hyderabad are the appellants in these writ appeals preferred against the judgment of the learned single Judge in W.P Nos. 10528 and 13382 of 2004 on various grounds.

A few relevant facts leading to filing of the writ appeals may be noted:

The respondent – writ petitioner is a student of final year of Bachelor of Veterinary Science and Animal Husbandry (B.V.Sc., & A.H) in College of Veterinary Science in Acharya N.G Ranga Agricultural University at Tirupathi. The final year examinations were scheduled to be held on 21st, 23rd, 25th, 28th and 30th of June, 2004. The contention of the respondent – writ petitioner is that pursuant to his application for appearing in the said examinations, hall ticket was issued. Thereafter, the Associate Dean of College of Veterinary Science, Tirupathi issued memo dated 19-6-2004 informing the Heads of Departments and the Dean, Faculty of Veterinary Science that the respondent – writ petitioner did not put in the minimum attendance of 75% during the academic year 2003-2004 in Veterinary Epidemiology and Preventive Medicine and thus not eligible to write the examination of the said paper. The respondent – writ petitioner filed W.P No. 10528 of 2004, inter alia, contending that after issuing hall ticket, the appellants have no authority in law to stop him from appearing for the examinations. This Court vide its interim order dated 24-6-2004 in W.P.M.P No. 13359 of 2004 directed the appellants herein to permit the writ petitioner to write the theory examination of Veterinary Epidemiology and Preventive Medicine scheduled on
25-6-2004. Thus the writ petitioner appeared for all the examinations of the final year. The authorities having permitted the writ petitioner to appear for the examinations issued memo dated 23-7-2004 to the effect that the result of the writ petitioner will be declared subject to the judgment of this Court. The results of the

remaining 54 students were declared by which they became eligible to undergo compulsory rotational internship training programme for six months. It is under those circumstances, the writ petitioner filed W.P No. 13382 of 2004 seeking a writ of Mandamus declaring the action of the appellants herein in not declaring his results as illegal and without any authority of law.

The simple case of the appellants is that the writ petitioner has not put in minimum attendance of 75% required for appearing for the examination in one of the courses i.e. Veterinary Epidemiology and Preventive Medicine – Paper – II in both theory and practicals. He has only 71% and 62% of attendance in theory and practicals respectively. The learned single Judge having interpreted Regulations 8.1, 8.2(a) and 8.2(b) of the Course Regulations of the Acharya N.G Ranga Agricultural University which deal with the requirements of attendance, held that as per Regulation 8.2(b), the power of relaxation for condoning shortage of attendance is given to the Principal in all the cases and not only in the case of first year students, as has been contended by the learned Standing Counsel for the University. The learned Judge further held that the University has not adopted the correct method while reckoning the attendance of the writ petitioner. The learned Judge came to the conclusion that the University having permitted the writ petitioner to appear for the examinations could not have issued the memo preventing him from appearing for the examination in Veterinary Epidemiology and Preventive Medicine subject.

Sri B. Siva Reddy, learned counsel for the appellants strenuously contends that as per Regulation 8.1, a student must have 75% attendance in a subject/paper and the attendance shall be reckoned for theory and practicals separately for full period of two semesters of study.

We find substantial force in the contention. In our considered opinion, the power to relax for condonation of shortage of attendance under Regulation 8.2(b) is not applicable to all the students but applies only to the first year students. That a plain reading of Regulation 8.2(b) makes it abundantly clear. Therefore, there is no difficulty in accepting the submission of the learned Standing Counsel that the power to relax the required attendance under Regulation 8.2(b) is available only in

case of first year students and not in case of all other students.

The record made available for our perusal also discloses that the writ petitioner did not put in the required attendance in the said subject, on account of which the University did not permit him to appear for the examination.

But the question that falls for consideration is whether no relief should be granted to the writ petitioner at this stage of the proceedings.

We have requested the learned Standing Counsel to make available the answer scripts of the writ petitioner so as to find out as to whether the writ petitioner has passed in theory examinations. A perusal of the answer scripts reveals that the writ petitioner had passed the theory examination. Learned Standing Counsel furnished information evidencing that the respondent – writ petitioner had passed practical examination also. Thus the writ petitioner had completed the final year B.V.Sc., & A.H Course since he has passed all the subjects. He appeared for the examination pursuant to the directions of this Court. Since the petitioner had already completed the Course, we are not inclined to dismiss his writ petition without granting any relief, which in the normal course perhaps we would have done, but for these subsequent events.

In the circumstances, these writ appeals are disposed of with the observations as above and with a further observation that the judgment of the learned single Judge shall not operate as a precedent for whatever purposes and the relief granted shall be confined only to the case of the respondent – writ petitioner. No order as to costs.

(B. Sudershan Reddy, J)

23-12-2004

(C.V. Ramulu, J)

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Note: Furnish copy by Monday.

B/O

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To

1. Associate Dean, College of VeterInary Science, Tirupathi.

2 Dean, Faculty of Veterinary Science, Acharya N.G. Ranga Agricultural University, Hyderabad.

3 The Registrar, A.N.G.R.Agricultural University,

Rajendranagar, Hyderabad.

4 Two CD copies.